

# **Notice of Allowability**

Application No.

10/020,695

Examiner

Joseph T. Weitach

Applicant(s)

KIM ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed October 30, 2003.
2. ☒ The allowed claim(s) is/are 1 and 3.
3. ☒ The drawings filed on 12 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other _____  |

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### **DETAILED ACTION**

This an original application filed December 12, 2001 and claims benefit to foreign application 2001-75877 filed December 3, 2001 in the Republic of Korea.

Applicants' amendment filed October 30, 2003, has been received and entered. The specification has been amended. Claim 2 has been canceled. Claim 3 has been amended. Claims 1 and 3 are pending and currently under examination.

### ***Specification***

The disclosure objected to because it contains an embedded hyperlink and/or other form of browser-executable code and disclosure of nucleotide sequence that does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 is withdrawn.

The amendments to the specification have obviated the basis of the objections.

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***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

As indicated in the previous office action, claim 1 was allowed. Claim 3 was objected to for being dependent on rejected claim 2, however cancellation of claim 2 and amendment of claim 3 to be an independent claim has put claim 3 in condition for allowance. Again it is noted that the claimed vector KCTC 10124BP has been deposited under the Budapest Treaty with the Korean Research Institute of Bioscience and Biotechnology (KRIBB). Sequence homology searches of SEQ ID NO: 1 indicate that it is free of the art of record. The present specification is the first to disclose the sequence of the lectin Lec P promoter which is disclosed as SEQ ID NO: 1 and is contained in the vector KCTC 10124BP. The specification provides a detailed characterization of the promoter sequence and reduces to practice transgenic mud loach and transgenic carp using the promoter sequence operatively linked to a sequence encoding a growth hormone (GH). In each case the promoter sequence provides sufficient expression levels of GH such that the resulting transgenic fish demonstrate stabilized improvement of growth rate without adverse effect of excessive growth acceleration (see specification page 28, lines 3-9).

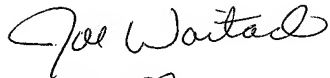
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Woitach whose telephone number is (703)305-3732. After January 12, 2004, the Examiner's telephone number will be (571) 272-0739.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds, can be reached at (703) 305-4051. After January 12, 2004, Deborah Reynolds telephone number will be (571)272-0734.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group analyst Dianiece Jacobs whose telephone number is (703) 308-2141. After January 14, 2004, Dianiece Jacobs telephone number will be (571)272-0532.

Joseph T. Voitach

  
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